

1 **SPINELLI, DONALD & NOTT**

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10 Attorneys for Defendants County of
11 Siskiyou; Jeremiah LaRue and Jesus
12 Fernandez, in their official capacities
13 as members of the Siskiyou County
14 Sheriff's Department and in their individual
15 capacities; Brandon Criss, Ed Valenzuela,
16 Michael N. Kobseff, Nancy Ogren, and
17 Ray A. Haupt, in their official capacities
18 as members of the Siskiyou County Board
19 of Supervisors and in their individual
20 capacities; Edward Kiernan, in his official
21 capacity as County Counsel for Siskiyou
22 County and in his individual capacity;
23 and DOES 1-100

24 UNITED STATES DISTRICT COURT
25 FOR THE EASTERN DISTRICT OF CALIFORNIA
26 SACRAMENTO DIVISION

27 Dilevon Lo, Jerry Vang, Nathan Thao, Mao Thao,
28 Pao Lee, Antonio Lee, Koua Lee, Nhia Thai Vang,
Zeng Lee, Der Lee and Khue Cha,

Plaintiffs,

vs.

County of Siskiyou; Jeremiah LaRue and Jesus
Fernandez, in their official capacities as members
of the Siskiyou County Sheriff's Department and
in their individual capacities; and Brandon Criss,
Ed Valenzuela, Michael N. Kobseff, Nancy
Ogren, and Ray A. Haupt, in their official
capacities as members of the Siskiyou County
Board of Supervisors and in their individual
capacities; Edward Kiernan, in his official
capacity as County Counsel for Siskiyou County
and in his individual capacity; and DOES 1-100,

Defendants.

Case No. 2:21-cv-00999-KJM-DMC

**DEFENDANTS' NOTICE OF MOTION AND
MOTION FOR JUDGMENT ON THE
PLEADINGS DISMISSING INDIVIDUAL
DEFENDANTS AND FOR RULE 11
SANCTIONS**

Complaint Filed: June 4, 2021
First Amended Complaint Filed: July 15, 2021

**Date: July 29, 2022
Time: 10:00 AM
Courtroom: 3, 15th Floor**

Judge: Hon. Kimberly J. Mueller

**[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

1 **NOTICE IS HEREBY GIVEN** that on **July 29, 2022, at 10:00 a.m.**, in the Courtroom of the
2 Honorable Kimberly J. Mueller, Courtroom 3, 15th Floor, located at 501 I Street, Sacramento, California,
3 95814, Defendants County of Siskiyou; Jeremiah LaRue and Jesus Fernandez, in their official capacities
4 as members of the Siskiyou County Sheriff's Department and in their individual capacities; Brandon
5 Criss, Ed Valenzuela, Michael N. Kobseff, Nancy Ogren, and Ray A. Haupt, in their official capacities as
6 members of the Siskiyou County Board of Supervisors and in their individual capacities; Edward
7 Kiernan, in his official capacity as County Counsel for Siskiyou County and in his individual capacity,
8 will and do file a Motion for Judgment on the Pleadings Dismissing the Individual Defendants in their
9 individual and official capacities, and For Rule 11 Sanctions.

10 This Motion will be based upon this Notice; the Memorandum of Points and Authorities in
11 support hereof; the Declaration of Jeffrey Chiao, and all records and documents on file herein, and such
12 other and further evidence or matters as may be presented or offered here, in the reply brief and at the
13 time of the hearing on this Motion.

14
15 Dated: June 6, 2022

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17 By: /s/ J. Scott Donald
18 DOMENIC D. SPINELLI
19 J. SCOTT DONALD
20 JEFFREY C. CHIAO
21 Attorneys for Defendants
22 COUNTY OF SISKIYOU

23 **CERTIFICATION OF MEET AND CONFER EFFORTS**

24 Counsel for Defendants met and conferred with counsel for Plaintiffs through written
25 correspondence on October 29, 2021, February 18, 2022, and March 24, 2022; and a telephone
26 conference on February 17, 2022, and April 4, 2022, regarding the issues raised in this motion. As of the
27 filing of this motion, the parties had not come to an agreement with respect to the issues raised in this
28 motion.

1 Dated: June 6, 2022

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3
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